

I yield back the balance of my time.

APPOINTMENT AS MEMBER TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, of the following member on the part of the House to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014:

Mr. Peter Brookes, Springfield, Virginia

SUPREME COURT HEALTH CARE DECISION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GRAVES) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRAVES of Georgia. Mr. Speaker, I rise today with a group of colleagues of mine to speak in contrast to what we just heard. It is shocking to me, not only the news of today and the continuation of the overreach of the Federal Government, but to hear colleagues on the other side of the aisle who are advocating for the Progressive Caucus, the progressive movement in this Nation celebrating, truly celebrating the Supreme Court ruling of today which allows the Federal Government to continue reaching into the homes of American families all across this country in a way that has never been done before, and granted so much more taxing power that has never been granted before, and yet they celebrate.

And they used a lot of different terms, like "charting the new course." That was a phrase that was used by the Progressive Caucus here just a moment ago—charting the new course. One has to wonder: What is this new course? It has been a course that the progressive movement has been on now for nearly a century; and today they are celebrating that course continuing to be charted, and that is a course of more government and less liberty. And that is what this decision was all about today. It was about empowering government and not empowering the American people. It is about creating more government and less liberty. That's what the decision reflected today.

I am joined today by many good friends here in the House of Representatives who are on the side of liberty. They're on the side of the American taxpayers, and they're on the side of the private sector. They believe in free markets and capitalism and profits and success and dreaming, and they don't think that the Federal Government has to get in the way of any of that.

Mr. Speaker, I would like to first yield to the gentleman from New Jersey (Mr. GARRETT) to get his insights on today's decisions.

Mr. GARRETT. Mr. Speaker, I thank Mr. GRAVES for leading the floor tonight on this very important matter. He joins me, I'm sure, in saying that we're all extremely disappointed that we have to come to the floor tonight and that the Supreme Court ruled today that the Commerce Clause does not support the individual mandate, but it may be upheld within Congress's power to lay and collect taxes.

So what we have found today is that Congress cannot use the Commerce Clause to compel you to do something. But, instead, Congress can tax you into submission. It should have been crystal clear that the Commerce Clause, which grants power to Congress to enforce free trade pacts amongst the States, could not use that clause to regulate it.

If Congress can force you to purchase a product, then there is nothing government cannot force you to do. This would have been a violation of your individual liberties as well as the constitutional doctrine of enumerated powers in which Congress is only given few and specific powers.

As the Supreme Court's syllabus of this case states:

The Framers knew the difference between doing something and doing nothing. They gave Congress the power to regulate commerce, not to compel it. Ignoring that distinction would undermine the principle that the Federal Government is a government of limited and enumerated powers.

But the Supreme Court instead told us that Congress has the power to tax and tax and tax until you submit to it.

Is this at all consistent with the founding principles of this country? Did those brave patriots who fought in the Revolutionary War and faced estrangement from their families, who endured British cannon fire and musket fire, weathered freezing winters and blazing summers, marched without shoes, slept without blankets, and suffered perpetual starvation all so that Congress could tax the people to form their behavior in Congress's image?

Did the Founders, who objected to the Stamp Act, the Sugar Act, and the Declaratory Act, which led our great Nation to revolt, risk the charge of treason and put their lives, fortunes, and sacred honor at risk, all so that they could replace one King who demanded more taxation, and now replace it with a President who demands more taxation? No.

We are Americans, citizens of a constitutional Republic where individual liberty is our birthright, won by our Founding generation's sacrifices. We are not and shall never be mere subjects of a government that can tax its way to tyranny. And disturbing as it is, there are many problems with this majority Court's rationale.

You see, the Obama administration has been confused as to whether or not

the monetary penalty for failure to pay is in fact a tax or not. But even if we accept the penalty as a tax, as the Court has rewritten the law to be, such a tax is still unconstitutional for many reasons.

First, the Constitution lays out three types of permissible taxes. This tax is not assessed on income, so it is unconstitutional in that regard. This tax is not assessed uniformly and is triggered by economic inactivity so it is unconstitutional in that regard. And the tax is not apportioned among the States by population, so it is unconstitutional in that regard.

Even more importantly, the Constitution does not grant Congress an independent power to tax for any purpose that it wants. Taxing to provide for the general welfare does not mean there is limitless power of Congress to tax. Rather, it means that a tax must be for a national purpose to achieve the ends that are outlined within the enumerated powers.

Now, this is not only my view; this was the view of James Madison, who ought to know a little bit about the Constitution since he is the man most responsible for it.

There is nothing about the individual mandate defined as a tax that is sanctioned by the Constitution.

But we have strayed far from the Constitution of the Founders. No longer is the ability to tax constrained by the limits imposed by that great document. The growth and power of this government would render it not only unrecognizable, but also repulsive to the Founders.

Madison and his fellow revolutionaries worried about the growth of government and the yielding of liberty. The writings they left for posterity are full of warnings about the fragility of limited government. Madison believed Republican governments would perpetually be on the defensive against the encroachments of aspiring tyrants. John Adams agreed when he said, "Democracy never lasts long."

And perhaps the most famous quote of all was Ben Franklin at the Constitutional Convention when he said we have produced "a republic, if you can keep it."

And now, 225 years later, we have arrived at this moment.

We should strive to restore the free society of our Founding Fathers that they fought for. If liberty is our goal, the Supreme Court has failed the American people. And so although we come here tonight extremely disappointed that the Supreme Court did not rise to the defense of the Constitution, I can take solace with the knowledge that the people of this country will.

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See, the Americans of this country revere the Constitution, and they will not let it be trampled upon. They long cherish their liberties. They will not surrender them without a fight.